

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING APPLICATION UNDER 37 C.F.R. 1.53(b)
WITHOUT FILING FEE AND/OR WITHOUT EXECUTED INVENTOR'S DECLARATION

02/25/02



Assistant Commissioner for Patents
Washington, DC 20231

Atty. Dkt. 1579-645

Date: February 25, 2002

This is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:

GENE PRODUCT OVER EXPRESSED IN CANCER CELLS

without a filing fee and/or without an executed inventor's oath/declaration.

This application is made by the below identified inventor(s). Attached hereto are the following papers:

- ☐ Newly executed Declaration, ☐ Copy of Declaration from prior application, ☒ Abstract
32 pages of specification and claims (including 32 numbered claims), and
9 sheets of accompanying drawing/s.
☐ Record the attached assignment and return to the undersigned.
☐ Attached is a Power of Attorney.
☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number

Country

Day/Month/Year Filed



- ☐ , respectively, the entire content of which is hereby incorporated by reference in this application..
☐ Certified copy(ies) of foreign application(s) is/are attached.
☐ Certified copy(ies) filed on _____ in prior application no. _____ filed _____
☐ Please amend the specification by inserting the following paragraph before the first line: --This application claims the benefit of Provisional Application No. _____, filed _____, the entire content of which is hereby incorporated by reference in this application.--
☒ Please amend the specification by inserting the following paragraph before the first line: --This application is a ☒ continuation/☐ division/☐ continuation-in-part of Application No. 09/539,774, filed March 31, 2000, which is a continuation of Application No. 09/210,474, filed December 14, 1998, now USP 6,072,034; which is a continuation of Application No. 08/755,559, filed November 22, 1996, now USP 5,912,142, the entire content of which is hereby incorporated by reference in this application.--
☒ Petition filed in prior application to extend its life to insure co-pendency.
☒ The prior application is assigned to DUKE UNIVERSITY.
☒ It is hereby requested that the Examiner consider the art cited in the above parent application(s) by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached, but pursuant to Rule 98(d) copies are not required.
☒ Applicant claims "small entity" status. ☐ "Small entity" statement attached.
Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:
☐ Also attached: ☐ Information Disclosure Statement; ☐ Non-Publication Request; ☐ Nucleotide and/or Amino Acid Sequence Submission; ☐ Statement deleting Inventor(s) named in prior application; ☐ Other:

1. Inventor: Russel E. KAUFMAN U.S.A.
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2. Inventor: Kimberly A. SLENTZ-KESLER U.S.A.
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☐ See attached sheet(s) for additional inventor(s) information!!

Address all future communications to NIXON & VANDERHYE P.C., 1100 North Glebe Road, 8th Floor, Arlington, VA 22201.

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Signature: Mary J. Wilson